

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

DISPOSITION OF CLAIMS

Claims 1 and 4-10 are pending in this application. The limitations of claims 2 and 3 have been incorporated in claim 1. Consequently, claims 2 and 3 have been cancelled, and claim 4 has been amended to depend from claim 1. Claim 11 has been withdrawn from consideration due to an earlier restriction requirement.

REJECTIONS UNDER 35 U.S.C. §112

Claim 5 was rejected under 35 USC 112, second paragraph, because the term "semipermeable material" lacked sufficient antecedent basis. The phrase "semipermeable material is" has been replaced with the phrase "semipermeable wall includes a member," as set forth above. The term "semipermeable wall" has sufficient antecedent basis in claim 1. Withdrawal of the rejection of claim 5 under 35 USC 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103

Claims 1-10 were rejected under 35 USC 103(a) as being unpatentable over Theeuwes et al (U.S. Patent No. 4,058,122). Claims 2 and 3 have been cancelled. Reconsideration of the rejection of claims 1 and 4-10 is respectfully requested.

Theeuwes et al disclose an osmotic system comprising a semipermeable laminated wall (12) surrounding a compartment (13). The semipermeable laminated wall includes an exterior semipermeable lamina (19) that maintains its physical and chemical integrity and is more particularly substantially non-erodible in an environment of use and an interior semipermeable lamina (20) that maintains its physical and chemical integrity and is more particularly substantially non-erodible in the environment (col. 4, lines 15-61). The interior semipermeable lamina (20) of Theeuwes et al cannot meet the following limitation of claim 1: "an internal

lamina formed on an inner surface of the semipermeable wall, the internal lamina being substantially soluble in water, wherein the internal lamina comprises one or more water-soluble polymers, and the one or more water-soluble polymers are present in the internal lamina in an amount of at least 80% by weight." In the claimed invention, in an environment of use, the internal lamina forms a gelatinous layer as it imbibes fluid. This gelatinous layer thickens with further hydration so that the internal lamina acts as a lubricant for the semipermeable wall, thereby preventing crack formation in the semipermeable wall as the semipermeable wall is pushed out due to hydrostatic pressure in the compartment.

Although Theeuwes et al disclose that the semipermeable forming materials in the semipermeable laminated wall (12) could include water-soluble materials such as hydroxypropylcellulose and hydroxypropylmethylcellulose, it is obvious that the interior semipermeable lamina (20) cannot include a significant amount of water-soluble materials which would render the interior semipermeable lamina substantially soluble in water if the interior semipermeable lamina is to maintain its physical and chemical integrity and be more particularly substantially non-erodible in the environment of use. In fact, Theeuwes et al teach away from the invention as claimed in disclosing that the interior semipermeable lamina is required to maintain its physical and chemical integrity and be more particularly substantially non-erodible in the environment of use. Theeuwes et al also teach that the interior semipermeable wall (20) is preferably more hydrophobic, has a higher degree of agent and compound rejection, and has decreased permeability to an external fluid in comparison to the exterior semipermeable wall (col. 4, lines 45-52).

In view of the above, claim 1 is not obvious over Theeuwes et al. Claims 4-10, because of their dependence from claim 1, are also not obvious over Theeuwes et al.

CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated February 26, 2006, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges not covered or credits in connection with this filing to Deposit Account No. 50-3202 (ref. ARC 2258 C1).

Respectfully submitted,

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